

**UNITED STATES OF AMERICA,**

**v.**

**NATHANIEL GURU THOMPSON,**

**Defendant.**

This matter is before the Court following a Rule 11 proceeding that was held before this Court on March 30, 2018. Defendant was present with his attorney David G. Belser, and the Government was present and represented through AUSA Richard Edwards. After hearing arguments from Defendant and the Government and reviewing the records, the Court makes the following finding.

**Findings.** On March 19, 2018, the Government issued an information charging Defendant with one count of receiving child pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A). On March 30, 2018, the Court held a Rule 11(c)(1)(C) inquiry and accepted Defendant's plea of guilty to count one of the information [# 7]. Following the Rule 11 proceeding, the Court was presented with the issue of whether Defendant should now be detained, pursuant to 18 U.S.C. § 3143(a)(2).

(2) The judicial officer shall order that a person who has been found guilty of an offense in a case described in subparagraph (A), (B), or (C) of subsection (f)(1) of section 3142 and is awaiting imposition or execution of sentence be detained unless—

- (A) (i) the judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or
- (ii) an attorney for the Government has recommended that no sentence of

imprisonment be imposed on the person; or

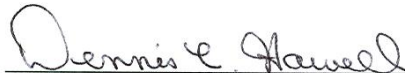
(B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

On March 30, 2018, Defendant pled guilty to 18 U.S.C. § 2252A(a)(2)(A). That crime is one of the crimes enumerated under 18 U.S.C. § 3142(f)(1)(A). AUSA Richard Edwards advised the Court that the Government would not be recommending that no sentence of imprisonment be imposed on Defendant. As a result, the Court cannot find that there is a substantial likelihood that a motion for acquittal or new trial will be granted. It appears then that the Court should apply the factors as set forth under 18 U.S.C. § 3143(a)(2) that require the detention of Defendant.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Defendant shall be detained pending further proceedings in this matter.

Signed: April 2, 2018



Dennis L. Howell  
United States Magistrate Judge

